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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: B. Bhat, et al.

U.S. Serial No.: 10/688,691

Filed: October 17, 2003

For: Nucleoside Derivatives As Inhibitors of RNA-Dependent RNA
Viral Polymerase

Group No.: 1623

Examiner: L. E. Crane

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION
[37 CFR 1.321]

I, Melvin Winokur, residing at
126 East Lincoln Avenue, Rahway, New Jersey 07065-0907, am a representative
 of the assignee identified below, empowered to act on its behalf, pursuant to attached
 Corporate Resolution No. 5, dated 05/24/2005.

The assignee, Merck & Co., Inc., certifies
 that it is the assignee of the entire right, title and interest in the above-identified
 patent application by virtue of an Assignment from the inventor(s) in the aforesaid
 patent application, which was

- ☒ recorded in the United States Patent & Trademark Office on Reel(s) 014753
 Frame(s) 0161 on 12/04/2003,
☐ was forwarded for recording on _____, with a copy of the recordation form
 and assignment attached hereto, or
☐ is being concurrently forwarded for recording under separate cover, with a copy of the
 recordation form and assignment attached hereto.

The aforesaid assignment establishes the ownership in the assignee of the above-identified
 application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the evidentiary documents in the chain of title of the
 above-identified patent application, and the undersigned certifies that, to the best of the
 undersigned's knowledge and belief, title is in the assignee named above.

I hereby disclaim the terminal part of the statutory term of any patent granted on the
 above-identified application, which would extend beyond the expiration date of the full
 statutory term of:

- ☒ United States Patent No. 6,777,395, or as presently shortened by any terminal
 disclaimer,
☐ Any patent granted on application serial number _____,

and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to:

☒ United States Patent No. 6,677,395,

☐ Any patent granted on application serial number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of:

☒ United States Patent No. 6,677,395, or as presently shortened by any terminal disclaimer,

☐ Any patent granted on application serial number _____,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is requested to charge Account No. 13-2755 the sum of \$130.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Disclaimant Melvin Winokur

Attorney _____

Title _____

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In Duplicate
Attachs.

Date: 04/06/2006